

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION AND FIRST AMENDMENT ON
THE APPLICATION OF BOSTON REHABILITATION
ASSOCIATES I FOR THE AUTHORIZATION AND
APPROVAL OF A PROJECT UNDER MASSACHUSETTS
GENERAL LAWS (TER.ED.) CHAPTER 121A AS
AMENDED, AND CHAPTER 652 OF THE ACTS OF
1960, TO BE UNDERTAKEN AND CARRIED OUT BY
A LIMITED PARTNERSHIP FORMED UNDER M.G.L.
CHAPTER 109, AND APPROVAL TO ACT AS AN
URBAN REDEVELOPMENT LIMITED PARTNERSHIP
UNDER SAID CHAPTER 121A.

- A. The Hearing. A public hearing was held at 2 p.m. on March 1, 1979, and March 15, 1979, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the new City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, dated August 7, 1978, and First Amendment to the Application, dated March 29, 1979, deleting 181 Parson Street from the Project (hereinafter called the "Application"), filed by Boston Rehabilitation Associates I, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication of February 14, 1979, and February 21, 1979, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.
- B. The Project. The amended Project Area consists of 4 separate parcels of land with the Improvements thereon, containing 38,147 square feet of land, known as 66 The Fenway, 94-98 Chester Street, 1391-1395 Commonwealth Avenue and 15 Royce Road.

The Project consists of acquisition, construction, operation and maintenance of six (6) buildings from three to five stories in height by the 121A Entity of 129 units of housing for low and moderate income persons and families. 100% of the units in the proposed Project will receive rental assistance under the Section 8 program from the United States Department of Housing and Urban Development.

Sixty-eight (68) units will be one-bedroom units and sixty-one (61) will be two-bedroom units.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearings, the exhibits offered in evidence at the hearings, and arguments and statements made at the hearing.

The Project as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does, for the purchase, construction and maintenance in a blighted, decadent, substandard area of decent, safe and sanitary residential buildings and appurtenant facilities.

D. Project Area. One parcel of the Project Area, 66 The Fenway, is located in The Fenway Urban Renewal Area and has been determined by the Authority to be a blighted, substandard, decadent area by adoption of the "Fenway Urban Renewal Plan".

The balance of the Project Area, which is not located within a previously designated urban renewal area, in the opinion of the Applicant, is a decadent and substandard area, as defined by Chapter 121A for the following reasons: The state of improvements in the Project Area has markedly deteriorated over the past few years, as demonstrated by HUD's decision to provide Section 8 rental subsidy funds and mortgage foreclosure by the Consumers Savings Bank of Worcester. The buildings are presently dilapidated and have been neglected and inadequately maintained.

In the opinion of the Applicant the Project Area is a blighted, substandard and decadent area as defined in Chapter 121A, detrimental to the safety, health, morals, welfare and sound growth of the community because the buildings are out of repair, physically deteriorated, unfit for human habitation, and in need of major maintenance or repair and substantial rehabilitation.

Without the aids available under G.L. Chapter 121A as is evidenced by the requirements of the mortgage lender attached to the Application, that the real estate taxes be limited to contain percentages of the project's estimated gross annual income, which percentage levels can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A, the site would not be developed. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A. The proposal constitutes a "Project" within the meaning of that statute.

For these reasons it is found that the Project Area is a blighted, substandard and decadent area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. The 6A Tax Agreement attached to the Application sets forth the Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project the following amounts:

During construction, the owner will pay fifty thousand (\$50,000.00) Dollars for the first year of construction and forty thousand (\$40,000.00) Dollars for the second construction year. In the first year after completion the Project will pay 12% of gross residential income and for each year thereafter. In every third year thereafter, the percentage of gross residential income shall increase by 10% until the project is paying a maximum of 15%. Any increase over 12% is conditioned upon approval and funding of a special rent adjustment therefor by HUD, pursuant to the regulations and statutes of HUD governing the Section 8 Rental Assistance Programs.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost of approximately Four Million Two Hundred Thousand (\$4,200,000.00) Dollars. The mortgage loans for the Project will be by conventional mortgage from Consumers Savings Bank of Worcester for thirty years at an interest rate of 7 3/4. The loan will not be insured by the Federal Housing Administration. Any additional funds required will be furnished by the general partners.

The following are all the persons, natural or corporate, who have or will have, directly or indirectly, any beneficial interest in the Project prior to its completion:

Boston Rehabilitation Associates I, a Massachusetts Limited Partnership;

Consumers Savings Bank, of Worcester

General Partners: Frederic S. Clayton
Parsons Street Housing Corporation

Original Limited

Partners: Parsons Street Housing Corporation
Frederic S. Clayton

United States Department of Housing and Urban Development

The Project will be assisted by rental assistance under Section 8 of the U.S. Housing Act of 1937, as amended, for 100% of the units. Under the Section 8 Program, HUD pays that amount of the fair market rent for an apartment that exceeds 25% of the tenant's income. The Application contains the Corporate Articles of Organization for Boston Rehabilitation Associates I. The Articles illustrate the corporate purposes and structure. Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The rehabilitation structure has been reviewed by the Design Review Staff of the Authority and is subject to further design review should the proposed design change in any way. The Authority finds that this Project will enhance the general appearance of the Areas and will furnish needed housing.

The carrying out of the Project will involve the relocation of numerous families. A realistic relocation plan has been filed with the Application and adherence to this plan is a condition of this approval.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.

9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. In addition, should the rehabilitation involve any abrasive blasting of interior or exterior surfaces, the Applicant must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Appendix Item D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix Item D, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. So far as is known to the Applicant, no permissions are required to deviate from zoning, health fire and building laws, codes, ordinances and regulations in effect in the City of Boston.

K. Duration of Period of Tax Exemption. In addition to the base term of fifteen (15) calendar years for the Project's period of tax exemption, pursuant to the provisions of section 10 of Chapter 121A, as amended by Chapter 827 of the Acts of 1975, the Authority hereby determines that the Project shall be entitled an extension of twenty-five (25) years beyond the base period. This determination is based upon the fact that the Applicant's Project is financed and subsidized under Federal programs to assist the construction of low-income housing.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions set forth in this Report and Decision.

MEMORANDUM

APRIL 12, 1979 3761

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION AND FIRST AMENDMENT
ON THE CHAPTER 121A APPLICATION OF
BOSTON REHABILITATION ASSOCIATES I

On March 1, 1979, and March 15, 1979, the Authority conducted a public hearing with respect to the above-captioned Application. At that meeting the Board heard a presentation by the Applicants and all other testimony in favor and opposed to the proposal. The First Amendment to the Application consents to the withdrawal of 181 Parsons Street from the proposed Project.

The amended Project consists of the acquisition of 4 parcels of land and construction, operation and maintenance of 129 units of housing for low and moderate income persons and families. These parcels are located at 66 The Fenway, 94-98 Chester Street, 1391-1395 Commonwealth Avenue, and 15 Royce Road.

The staff has examined the amended Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt a Report and Decision and First Amendment to the Application approving the Project.

An appropriate Vote follows.

VOTED: That the document presented at this meeting entitled: "Report and Decision and First Amendment on the Application of Boston Rehabilitation Associates I for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A be and is hereby approved and adopted.

